


## Director's Interpretation Memo 2020-03

DATE: February 24, 2020

TO: Planning Department

FROM:  Michelle J. McNulty, AICP, Planning Director

SUBJECT: Interpretation of AMC 21.12.060C.4. Change in the direction of conformity when no applicable characteristics of use can be brought towards conformity.

**Question:** How many times is a site subject to the requirement to place 10% of project costs in a municipal account dedicated to public improvements once it has been determined that no applicable characteristics of use can be brought into conformity without causing other characteristics to come out of compliance, or if the only characteristics left to be addressed are so major as to require relocating the structure, or something of similar magnitude?

**Short Answer:** A one-time deposit of 10 percent of project costs fulfills this requirement for the life of the development.

**Interpretation:** It is not the intent of this code section to require 10 percent of project costs for public improvements for all future projects in perpetuity. Once it has been determined that a project has come as far as possible towards compliance with Title 21 requirements without bringing other characteristics of use out of compliance, or the only remaining items to bring into compliance are of a magnitude that makes the change infeasible, 10% of the project costs are to be placed in a municipal account dedicated to public improvements in the community council area that the development is in.

The interpretation of this Department is that the site has satisfied the requirement of section 21.12.060C.4. when the 10 percent of project costs deposit has been made one time.

The nonconforming determination for the site will be revised after the required 10 percent deposit to denote that maximum changes in the direction of conformity were accomplished and the site has fulfilled the requirement of AMC 21.12.060C.4. until such time as all nonconforming rights are extinguished per the provisions of AMC 21.12.